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8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 JOHN BEJARANO,

12 Petitioner,

13 vs.

14 RENEE BAKER, Warden, and
15 ADAM PAUL LAXALT, Attorney
16 General for the State of Nevada,

17 Respondents.

2:98-cv-1016-GMN-NJK

**REQUEST FOR EXTENSION OF TIME
TO FILE POINTS AND AUTHORITIES
PURSUANT TO THIS COURT'S
ORDER OF DECEMBER 8, 2014 (FIRST
REQUEST)**

(Death Penalty Habeas Corpus Case)

18 Petitioner John Bejarano hereby requests an extension of time of thirty (30) days, to
19 and including February 16, 2015, within which to file his points and authorities in response
20 to this Court's order, dated December 8, 2014. This request is made and based on the
21 following declaration of counsel. Counsel for Respondents join in this request.

22 Respectfully submitted this 16th day of January, 2015.

23 RENEE VALLADARES
Federal Public Defender

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25 /s/ David Anthony
26 David Anthony,
Assistant Federal Public Defender
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DECLARATION OF DAVID ANTHONY

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2 1. I am an attorney at law, admitted to practice before this Court, employed as an
3 Assistant Federal Public Defender. I represent the petitioner John Bejarano in this matter.

4 2. Mr. Bejarano's points and authorities in response to this Court's order, dated
5 December 8, 2014, are currently due on or before January 16, 2015. An extension of time
6 of thirty (30) days is requested, up to and including February 16, 2015, in which to file
7 points and authorities pursuant to the Court's order. This is Mr. Bejarano's first request
8 for an extension of time.

9 3. I have not been able to complete and file points and authorities in response to this
10 Court's order due to filing deadlines in other capital cases that could not be further
11 extended. On January 7, 2015, I was required to file replies to motions for leave to
12 conduct discovery and for release of federal grand jury materials in the capital case of
13 Bonilla v. Ayers, Case No. 08-cv-00471-YGR. The Bonilla case is a complex capital
14 habeas matter arising out of the Northern District of California and includes federal
15 kidnaping and RICO investigations and a state conviction for capital murder. I had
16 previously sought an extension of time from the federal court to file the replies.

17 4. On January 22, 2015, I am required to file a reply brief in the Ninth Circuit Court
18 of Appeals in the case of Kirksey v. Baker, Case No. 13-99009, a case with a complex
19 procedural history where the court has certified seven issues for review. I have
20 previously sought an extension of time to file the reply.

21 5. I am in the process of preparing for a two week evidentiary hearing that is
22 scheduled to begin on March 16, 2015, in Gutierrez v. Cox, Case No. CR94-1795B. The
23 Gutierrez case requires an investigation of the client's background in Mexico, which
24 involves the location and production of several lay witnesses to testify at an evidentiary
25 hearing in Reno, Nevada. The planning and coordination of investigative needs and the
26 international transportation of witnesses in the Gutierrez case has taken a substantial
27 amount of my time.
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1 6. I have contacted Deputy Attorney General Jamie Resch and communicated with
2 him regarding the instant request for an extension of time, and can represent that the
3 Respondents do not oppose the instant request. The Respondent has requested that its
4 filing deadline for responding to the Court's order also be extended so that its brief is also
5 due on February 16, 2015.

6 7. This request is made solely for the purpose of protecting Mr. Bejarano's interests,
7 and not solely for the purpose of delay, or for any other improper purpose.

8 I declare under penalty of perjury that the foregoing is true and correct and that this
9 declaration was executed in Clark County, Nevada, on January 16, 2015.

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11 /s/ David Anthony
12 David Anthony
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CERTIFICATE OF ELECTRONIC SERVICE

In accordance with Rule 5(b) of the Nevada Rules of Civil Procedure, the undersigned hereby certifies that on the 16th day of January, 2015, a true and correct copy of the foregoing REQUEST FOR EXTENSION OF TIME TO FILE POINTS AND AUTHORITIES PURSUANT TO THIS COURT'S ORDER OF DECEMBER 8, 2014 (FIRST REQUEST) was electronically filed, and addressed to counsel as follows:

Adam Paul Laxalt
Nevada Attorney General
Jamie Resch
Office of the Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101

jresch@ag.nv.gov

/s/ Felicia Darensbourg
An employee of the Federal Public Defender